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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/872,646 | 05/31/2001 | Pascal Sero | 50277-1716 | 1723 |

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HICKMAN PALERMO TRUONG & BECKER, LLP
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EXAMINER

CHAVIS, JOHN Q

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2124

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/872,646 | Applicant(s) SERO ET AL. | |
| | Examiner John Chavis | Art Unit 2124 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim does not end with a "period"; therefore, it is not clear if the claim is intended to end or if something else is to follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Frese, II et al. (US RE38,598 E).

What is claimed is:

1. A method of deploying software, the method comprising the steps of:

a first party hosting a plurality of components in a first hosted environment;

Frese

See Frese's title and abstract.

See fig. 1, which hosts a plurality of components via item 20.

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receiving over a network a request to install said plurality of components into a second hosted environment accessible to a second party over the network; and

See col. 4 lines 39-48, which indicates that the user requests activation (request to install) over a network. Also, see col. 3 lines 49-54 and col. 4 lines 4-10.

in response to receiving said request to install, performing one or more steps that include installing said plurality of components into said first hosted environment in a manner that allows said second party to execute said plurality of components over said network.

See fig. 4A, which launches (installs) the applications (item 104) into the first environment and allows the user (located at the second environment) to Execute the components over the network, see item 110 of fig. 4a, fig. 2 and again see fig. 1

2. The method of claim 1, wherein the step of installing said plurality of components includes creating database objects in a database server that is to store data that will be used during execution of said plurality of components.

See col. 4 lines 59-67.

3. The method of claim 1, wherein the one or more steps further include provisioning said first hosted environment for said plurality of components.

See the rejection of claim 2 above.

4. The method of claim 1, wherein the step of provisioning said first hosted environment includes configuring a database server so that said database server may be accessed by said plurality of components during said execution of said plurality of components.

See col. 10 lines 49-60 and col. 5 lines 46-61.

5. The method of claim 1, wherein

See col. 4 lines 11-58.

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said first hosted environment and other hosted environments share other resources hosted by said first party.

6. The method of claim 1, wherein said first hosted environment was provisioned for a different version of said plurality of components before receiving said request.

See the cited portion of claim 4 above.

7. The method of claim 1, wherein the one or more steps further include said second party interacting with a development tool over said network to develop said plurality of components.

See the "user events" in col. 13 lines 14-22, which are a plurality of components developed over a network.

8. The method of claim 7, wherein the steps further include other parties interacting with said development tool over the internet to develop other pluralities of components hosted by said first party.

See col. 5 lines 54-61.

In reference to claims 9-10 and 11-12, see the rejection of claims 1-2.

Claims 13-18 are rejected as claims 3-8.

As per claims 19-20, see the rejection of claims 2-3.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

September 23, 2004

A handwritten signature in black ink, appearing to read "John Chavis", with a long horizontal flourish extending to the right.

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124